"An Act to incorporate Wellington School District in Collingsworth county as an independent school district; and to provide for the election of trustees; raising revenue by taxation, issuing bonds and maintaining public free schools therein,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

TWENTY-SIXTH DAY.

Senate Chamber, Austin, Texas, Tuesday, February 12, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Looney. Alexander. Barrett. Masterson. Brachfield. Mayfield. Chambers. Meachum. Cunningham. Murray. Faust. Paulus. Glasscock. Senter. Green. Skinner. Greer. Smith. Griggs. Stokes. Grinnan. Stone. Harbison. Terrell. Harper. Veale.Watson. Holsey. Kellie. Willacy.

Absent.

Hudspeth.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Harbison, the same was dispensed with.

EXCUSED.

On motion of Senator Mayfield, Senator Glasscock was excused from attendance upon the Senate for yesterday, on account of sickness.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

By Senator Green:

Senate bill No. 175, A bill to be entitled "An Act to amend Article 2466 of the Revised Civil Statutes (1895) of Texas, relating to the compensation of county commissioners."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Looney and Brachfield:

Senate Joint Resolution No. 13, Joint Resolution proposing an amendment to Article 4 of the Constitution of the State of Texas by adding thereto a section to be known as Section 27, providing for a Department of Agriculture, with a bureau of labor.

Read first time, and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

By Senator Glasscock:

Whereas, In some of the biographical sketches attached to the portraits of the distinguished dead adorning the walls of the Senate chamber appear a great many errors, therefore, be it

Resolved by the Senate, That the Commissioner of Insurance, Statistics and History is hereby requested to make all corrections of any inaccuracies in the short biographical sketch attached to such pictures.

The resolution was read, and was adopted.

By Senator Skinner:

Whereas, A mistake has been made in the Senate Journal of Monday, February 11, 1907, in that I am represented as having risen to a question of privilege and that objections were made by other Senators that I was abusing the privileges accorded to me by the Senate, none of which is true as to me, therefore be it

Resolved, That said Journals be taken up and that the public printer, without additional expense, be required to replace same with journals of said date which state the truth.

The resolution was read and adopted. Morning call concluded.

HOUSE BILL NO. 237.

On motion of Senator Faust, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, House bill No. 237.

The committee report, which provided that the bill be not printed, was adopted, on motion of Senator Faust.

The Chair laid before the Senate, on second reading.

House bill No. 237, A bill to be entitled "An Act to create a more efficient road system for Caldwell county."

Bill read second time, and passed to a third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended, and

the bill put on its third reading and final passage by the following vote:

Yeas-29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone
Grinnan.	Terrell.
Harbison.	Veale
Harper.	Watson.
Holsey.	Willacy.
Kellie.	· · ·

Absent.

Hudspeth.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas-29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan,	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	•

Absent.

Hudspeth.

Stokes.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 362.

On motion of Senator Smith, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, House bill No. 362.

The committee report, which provided that the bill be not printed, was adopted, on motion of Senator Smith.

The Chair laid before the Senate, on second reading,

House bill No. 362, A bill to be entitled up, out of its or "An Act incorporating the Bowie Independent School District in Montague second reading,

county, Texas, for free school purposes only."

Bill read second time, and passed to a third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas-29.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	•
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Absent.

Murray.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas-29.

Alexander. Kellie. Barrett. Looney. Brachfield Masterson. Chambers. Mayfield. Cunningham. Meachum. Faust. Paulus. Glasscock. Senter. Green. Skinner. Greer. Smith. Stone. Griggs. Grinnan. Terrell. Harbison. Veale. Harper. Watson. Holsey. Willacy.

Hudspeth.

Absent.

Murray.

Stokes.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 74.

On motion of Senator Grinnan, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 74.

The Chair laid before the Senate, on second reading

Senate bill No. 74, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman, in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding after Section 1 the following:

"Sec. 2. For the reason stated in this bill the titles to the lots sold by Coleman county, situated in the town of Coleman, are supposed to be defective, and by reason of said supposed defects the owners of said lots, who have paid said county full value therefor, are unable to sell same until said defects are removed, and the rights of said parties are thereby in danger, creates an imperative public necessity, and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.'

Bill read second time, and ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas-29.

Alexander. Looney. Barrett Masterson. Brachfield. Mavfield. Chambers. Meachum. Faust. Murray. Glasscock. Paulus. Green. Senter. Greer. Skinner. Griggs. Smith. Grinnan. Stone. Harbison. Terrell. Harper. Veale. Holsey. Watson. Hudspeth. Willacy. Kellie.

Absent.

Cunningham. Stokes.

The bill was read third time, and passed by the following vote:

Yeas-29.

Alexander. Looney. Masterson. Barrett Brachfield. Mayfield. Chambers. Meachum. Faust. Murray. Glasscock. Paulus. Green Senter. Skinner. Greer. Griggs. Smith. Stone. Grinnan. Terrell. Harbison. Harper. Veale. Holsey. Watson. Hudspeth. Willacy Kellie.

Absent.

Cunningham.

Stokes.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE REFUSED TO TAKE UP RESOLUTION.

Senator Holsey moved that the special order of business (Senate bill No. 8) be suspended, and the Senate take up, out of its order, a simple resolution introduced by himself on a former day, which provided for the changing of the Rules of the Senate.

The motion was lost by the following vote:

Yeas—14.

Glasscock. Masterson.
Green. Mayfield.
Greer. Senter.
Grinnan. Skinner.
Harbison. Smith.
Holsey. Veale.
Hudspeth. Willacy.

Nays—16.

Alexander Kellie. Barrett. Looney. Brachfield. Meachum. Chambers. Murray. Cunningham. Paulus Faust. Stone Terrell. Griggs. Watson. Harper.

Absent.

Stokes.

SENATE BILL NO. 8-PENDING BUSINESS.

The Chair laid before the Senate, as pending business. Senate bill No. 8, the Anti-Free Pass bill.

The pending question was on the substitute amendment by Senator Looney for the amendment by Senator Terrell and the amendment to the amendment by Senator Skinner, and Senator Skinner, by consent, withdrew the amendment to the amendment, and

Senator Looney then, by consent, offered the substitute as an amendment to the amendment.

During discussion, Senator Looney, by consent, withdrew the amendment to the amendment and offered the following substitute for the amendment:

Substitute for amendment by striking out the following from Section 1, page 2, line 17: "Also the managers of all such homes."

Senator Cunningham moved to table the substitute amendment, and, pending discussion on the amendment,

Willacy asked unanimous Senator consent to move to have Senator Alexander excused for an indefinite time, on account of sickness in his family.
The motion was adopted.

The question being on the motion to table, the same was adopted by the following vote:

Yeas-17.

Barrett.	Crinnan.
Brachfield.	Harper.
Chambers.	Holsey.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Green.	Terrell.
Greer.	Watson.
Griggs.	

Nays-12.

Harbison.	Paulus.
Hudspeth.	Senter.
Kellie.	Smith.
Looney.	Stone.
Masterson.	Veale.
Mayfield.	Willacy.

Absent.

Stokes.

Absent-Excused.

Alexander.

Question then being on the amendment by Senator Terrell, and

Senator Chambers moved to table

The motion to table was lost by the following vote:

Yeas—14.

Chambers.	Masterson
Glasscock.	Meachum.
Grinnan.	Paulus.
Harbison.	Senter.
Hudspeth.	Smith.
Kellie.	Veale.
Looney.	Willacy.

Nays-15.

Barrett.	Holsey.
Brachfield.	Mayfield.
Cunningham.	Murray.
Faust.	Skinner.
Green.	Stone.
Greer.	Terrell.
Griggs.	Watson.
Harper.	

Stokes.

Absent—Excused.

Absent.

Alexander.

Question then being on the amendment by Senator Terrell, the same was adopted by the following vote:

Yeas-15.

Barrett.	Harper.
Brachfield.	Holsey.
Cunningham	Mayfield.
Faust.	Murray.
Green	Skinner.
Greer.	Terrell.
Griggs.	Watson.

Grinnan.

Nays-14.

Chambers.	Meachum.
Glasscock.	Paulus.
Harbison.	Senter.
Hudspeth.	Smith.
Kellie.	Stone.
Looney.	Veale.
Masterson.	Willacy.

Absent.

Absent-Excused.

Alexander.

Stokes.

Senator Skinner moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—16.

Barrett. Brachfield. Cunningham. Faust.

Mayfield. Green. Greer. Murray. Griggs. Skinner. Stone. Grinnan. Harper. Terrell. Willacy. Holsey.

Nays—13.

Chambers. Meachum. Glasscock. Paulus. Harbison. Senter. Hudspeth. Smith. Kellie. Veale. Looney. Watson. Masterson.

Absent.

Stokes.

Absent-Excused.

Alexander

Senator Hudspeth offered the follow-

ing amendment to the bill:

Amend Senate bill No. 8 by adding after the word "route," in line 29, page 2, the following: "This act shall not apply to officers of the Texas Cattle Raisers' Association and the inspectors of said association when in the actual discharge of their official duties."

Senator Brachfield moved to table the amendment, which motion was adopted

by the following vote:

Yeas-20.

Barrett. Harper. Brachfield. Holsev. Looney. Chambers. Cunningham. Masterson. Faust. Mayfield. Green. Murray. Greer. Skinner. Griggs. Smith. Grinnan. Stone. Harbison. Terrell.

Nays—9.

Glasscock. Senter. Hudspeth. Veale. Kellie. Watson. Meachum. Willacy Paulus.

Absent.

Stokes.

Absent—Excused.

Alexander.

Senator Harper offered the following amendment, which was adopted:

Amend the bill, line 4, page 2, of the bill, as follows:

Strike out the words "provided that the above" and insert in lieu thereof:

"Sec. 2. The provisions of Section 1 of the bill," and change the number of the other sections to correspond.

Senator Green offered the following

amendment, which was adopted:

Amend Section 1 by inserting after the word "physician," in line 25, on page 2, the following: "Members of the im-mediate family of any employe confined in any hospital, while going to or returning from said hospital."

WILLACY, GREEN.

Senator Grinnan offered the following amendment:

Amend by adding after Section 9 the

following: "Sec. 10. Any provisions of this act which exempt or except any person or corporation from the effect or operation of this act, or authorizes them to give, grant, issue, receive or accept transportation at reduced rates, or free transportation, or pass, or contract for transportation, shall be operative and effective only in so far as such provisions are not in conflict with the Constitution of this State."

Senator Skinner offered the following substitute for the amendment:

Amend by adding after Section 9 the

following:

"Sec. 10. If any provision or provisions of this act which exempt or except any persons, corporations or class of persons from the operation and effects of this act, or which authorize any such persons, corporations or class of persons to give, grant, issue, receive or accept free transportation, or transportation at any rate other than is granted to any and all persons of this State, shall be held unconstitutional, such holding as to any such provision or provisions shall not invalidate any other portion of this act."

Senator Terrell made a point of order that the subject matter in the substitute amendment was not germane and

had no place in the bill.

The Chair overruled the point of or-

The substitute amendment adopted by the following vote:

Yeas-23.

Griggs. Grinnan.

Harbison.

Harper.

Holsey.

Looney.

Masterson.

Mayfield.

Barrett. Brachfield. Chambers. Cunningham. Faust. Glasscock. Green. Greer.

Meachum. Murray. Paulus.

Skinner. Veale. Willacy.

Nays-6.

Hudspeth. Kellie. Smith.

Senter.

Stone. Terrell. Watson.

Absent.

Stokes.

Absent—Excused.

Alexander.

SIMPLE RESOLUTION.

Resolved, That when the Senate adjourns today, said adjournment shall be taken out of respect to the death of the mother of our honorable colleague, Senator D. M. Alexander. And further Resolved, That the sympathies of every

member of this Senate is extended to our honorable colleague and to members of his family.

> WILLACY, TERRELL, GRIGGS. WATSON SKINNER MEACHUM.

The resolution was read, and unanimously adopted by a rising vote.

EXECUTIVE MESSAGE.

Executive Office. Austin, Texas, February 12, 1907. To the Senate:

The advice and consent of the Senate is requested to the following appoint-

Pilot Commissioners for Sabine Pass-W. H. Gilliland, R. D. Steele, J. A. Megethlin, J. H. Forbes, F. H. Robinson.

T. M. CAMPBELL, Governor.

EXECUTIVE SESSION-TIME SET FOR.

On motion of Senator Harbison, tomorrow morning at 11 o'clock was designated as the hour for the Senate to hold executive session for the purpose of considering the above appointments.

ADJOURNMENT.

Senator Harbison moved that the Senate adjourn until tomorrow morning at 10 o'clock, and

Senator Looney moved, as a substi- | Alexander.

tute, that the Senate recess until 3 o'clock today.

The Chair put the substitute motion first, and the point of order was raised that the longest time should be put first.

The Chair held that the substitute motion had precedence over the motion to adiourn.

The substitute motion to recess was lost by the following vote:

Yeas-8.

Barrett. Green. Greer. Harper.

Holsey. Looney. Mayfield. Skinner.

Nays-19.

Brachfield. Chambers. Cunningham. Faust. Glasscock. Griggs. Grinnan. Hudspeth. Kellie. Masterson.

Meachum. Murray. Paulus. Smith. Stone. Terrell. Veale. Watson. Willacy.

Absent.

Harbison. Senter

Stokes.

Absent-Excused.

Alexander.

The motion to adjourn until tomorrow morning at 10 o'clock was then adopted by the following vote:

Yeas—18.

Brachfield. Chambers. Cunningham. Faust. Glasscock. Griggs. Grinnan. Hudspeth. Kellie.

Masterson. Meachum. Murray. Paulus. Stone. Terrell. Veale. Watson. Willacy.

Nays-9.

Barrett. Green. Greer. Harper. Holsey.

Looney. Mayfield. Skinner. Smith.

Absent.

Harbison. Senter.

Stokes.

Absent-Excused.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Committee Room, Austin, Texas, February 12, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 13, Joint Resolution proposing an amendment to Article 4 of the Constitution of the State cf Texas by adding thereto a section to be known as Section 27, providing for a Department of Agriculture, with a Bureau of Labor.

Have had the same under consideration, and we are instructed to report same back to the Senate with the recommendation that it do pass.

Harper, Chairman; Skinner, Smith, Senter, Terrell, Grinnan, Brachfield, Looney, Barrett.

Committee Room, Austin, Texas, February 12, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 156, A bill to be entitled "An Act to amend Section 3 of an act of the Twenty-ninth Legislature of Texas, approved May 1, 1905, entitled 'An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories, to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

FAUST, Chairman.

(Floor Report.)

Committee Room, Austin, Texas, February 12, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 157, A bill to be entitled

21 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties or in any subdivision of the said counties, so that when an election under said law shall be in favor of a stock law that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force'; also to provide for the punishment of any one violating the provisions of said act and declaring an emergency,'

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Looney, Chairman; Paulus, Greer, Alexander, Terrell, Barrett, Cunningham, Meachum, Watson, Smith.

(Floor Report.)

Committee Room, Austin, Texas, February 11, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 126, A bill to be entitled "An Act to amend Section 9, Chapter 137, page 222, of an act of the Twenty-eighth Legislature entitled 'An Act to preserve and protect the wild game, wild birds and wild fowls of the State, to provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith, so as to make it lawful to kill quail or partridge between the 30th day of November and the 1st day of March of each year,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Looney, Chairman; Greer, Barrett, Paulus, Alexander, Watson, Terrell, Cunningham, Smith, Meachum.

Committee Room, Austin, Texas, February 12, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 74, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman in Coleman county heretofore made at private sale for and in be-"An Act to amend Section 12 and Section half of said county by J. F. Miles and

W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales, and declaring an emergency,"

And find the same correctly engrossed. CUNNINGHAM, Chairman.

Committee Room, Austin, Texas, February 12, 1907. Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and com-

pared

Senate bill No. 165, A bill to be entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, and as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three miles limit and condemnation proceedings and providing for the right of way; also to authorize all corporations using said structure to buy the bonds issued by the county and to lease right of easement of user of portion of said structure from such county on terms agreed on with the county commissioners court, and declaring an emergency,

And find the same correctly engrossed. CUNNINGHAM, Chairman.

TWENTY-SEVENTH DAY.

Senate Chamber, Austin, Texas, Wednesday, February 13, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Barrett. Holsey. Brachfield. Hudspeth. Chambers. Kellie. Cunningham. Looney. Faust. Masterson. Glasscock. Mayfield. Green. Meachum. Greer. Murray. Griggs. Paulus. Grinnan. Senter. Harbison. Skinner. Harper. Smith.

Stokes. Veale. Stone. Watson. Terrell. Willacy.

Absent—Excused.

Alexander.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

EXCUSED.

On motion of Senator Chambers, Senator Hudspeth was excused from attendance upon the Senate for last week and Monday of this week on account of sickness in family.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 176, A bill to be entitled "An Act to amend an act of the Twenty-sixth Legislature, passed at its regular session, being Chapter CXIX of its acts, and entitled 'An Act to amend Article 5043, Chapter 6, Title CII, Revised Civil Statutes, as amended by the Twenty-fifth Legislature, in Chapter 121 of said acts, relating to inspection of live stock so as to place Randall county under the operation of such law and to remove Cochran, Cottle, Bailey, Parmer, Lamb, Crockett, Irion and Schleicher and other counties from the operation of said law,' and to provide for the appointment of an inspector of hides and animals for Zapata county."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Terrell:

Senate bill No. 177, A bill to be entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twentyeighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith,' by adding to said law Section 18, concerning punishment for violation thereof; Section 19, with reference to venue; Section 20, with reference to the duties of district and county attorneys and the Attorney General, and Section 21, concerning fees."